

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference F40077PCT	FOR FURTHER ACTION		See item 4 below
International application No. PCT/DE2007/001117	International filing date (<i>day/month/year</i>) 25 June 2007 (25.06.2007)	Priority date (<i>day/month/year</i>) 29 June 2006 (29.06.2006)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant FRIATEC AKTIENGESELLSCHAFT			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I Basis of the report
<input type="checkbox"/>	Box No. II Priority
<input type="checkbox"/>	Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI Certain documents cited
<input type="checkbox"/>	Box No. VII Certain defects in the international application
<input type="checkbox"/>	Box No. VIII Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

Date of issuance of this report 13 January 2009 (13.01.2009)

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PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT
TRANSLATION

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

(PCT Rule 43bis.1)

		Date of mailing (day/month/year)	See form PCT/ISA/210
Applicant's or agent's file reference F40077PCT		FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/DE2007/001117	International filing date (day/month/year) 25.06.2007	Priority date (day/month/year) 29.06.2006	
International Patent Classification (IPC) or both national classification and IPC F16K1/16, F16K31/50, F16K31/52			
Applicant FRIATEC AKTIENGESELLSCHAFT			

<p>1. This opinion contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>
<p>2. FURTHER ACTION</p> <p>If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.</p> <p>If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.</p> <p>For further options, see Form PCT/ISA/220.</p>
<p>3. For further details, see notes to Form PCT/ISA/220.</p>

Name and mailing address of the ISA/EP	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

WRITTEN OPINION OF THE
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Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:
 the international application in the language in which it was filed
 the translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rule 12.3(a) and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material
 on paper
 in electronic form
 - c. time of filing/furnishing
 contained in the international application as filed
 filed together with the international application in electronic form
 furnished subsequently to this Authority for the purposes of search
3. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>3</u>	YES
	Claims <u>1, 2, 4-6</u>	NO
Inventive step (IS)	Claims _____	YES
	Claims <u>1-6</u>	NO
Industrial applicability (IA)	Claims <u>1-6</u>	YES
	Claims _____	NO

2. Citations and explanations:

Independent claim 1

1 The subject matter of claim 1 of the present application cannot be considered to be novel (PCT Article 33(2)), for the following reasons:

1.1 The following features of claim 1 are for example already known from the closest prior art D1 (DE 597):

a shut-off fitting (V), having a housing which is to be connected in a pressure-tight manner to an adjoining pipeline, wherein a pipe leadthrough is defined in the housing for a medium which flows through the pipeline, and having at least one closing body (a, b) which can be moved, by means of an articulated mechanism (A, v, w) with an actuating drive (A, B), which can be moved vertically with respect to the flow direction, from an open position into a closed position in which the at least one closing body (a, b) bears with its sealing contour in a radially sealing manner against

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the pipe leadthrough, wherein the articulated mechanism (A, v, w) is guided parallel to the movement direction of the actuating drive (A, B) and has a bearing body (v, w) to which the at least one closing body (a, b) is pivotably attached, wherein the bearing body (v, w) has two diametrically opposite ribs (g, h), and two grooves (k, i) are correspondingly formed in the wall of the housing or in an insert which at least partially lines the housing, wherein the ribs (g, h) form a yoke which extends transversely with respect to the flow direction of the medium (D1, the entire document).

The subject matter of claim 1 is therefore not novel (PCT Article 33(2)).

1.2 Furthermore, the features of claim 1 are likewise already known from documents D2 (US 3119594) (column 1, line 59 to column 3, line 6 and figures 1 to 3) and D3 (US 3632080) (column 2, line 31 to column 5, line 46 and figures 1 to 7).

Dependent claims 2 to 6

2 Dependent claims 2 to 6 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements of inventive step, because the features listed in said dependent claims relate merely to simple and obvious measures which are part of the routine practice of a person skilled

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in the art and which likewise cannot form the basis for an inventive step. The additional features of said dependent claims are partially also known, as described below, from the documents in the search report.

- 2.1 The additional features of dependent claims 2, 4 and 5 are already known from documents D1 (figures 1 to 4), D2 (figures 1 to 3) and D3 (figures 1 to 7).
- 2.2 The additional features of dependent claim 6 are already known from documents D1 (figures 1 to 4) and D2 (figures 1 to 3).